

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

KAISER ALUMINUM CORPORATION, a  
Delaware corporation, et al.

:  
: Jointly Administered Under  
: Bankruptcy Case No. 02-10429 (JKF)  
: Chapter 11

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KAISER ALUMINUM CORPORATION, et al.

:  
: Case No. 06-mc-41 (JJF)

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**REPUBLIC INDEMNITY COMPANY AND TRANSPORT INSURANCE COMPANY'S  
(F/K/A TRANSPORT INDEMNITY COMPANY) DESIGNATION OF ITEMS FOR  
RECORD ON APPEAL AND STATEMENT OF ISSUES ON APPEAL**

Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company (collectively, "Appellants"), by and through their undersigned attorneys, and pursuant to Rule 6(b)(2)(B) of the Federal Rules of Appellate Procedure, hereby designate the items to be included in the record and set forth the statement of issues on their appeal from the Order of the United States District Court for the District of Delaware (Fullam, J.) entered on May 11, 2006 (Docket No. 58) and the accompanying Memorandum Decision (Docket No. 57) that (i) affirmed the February 6, 2006 Order of the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified (Bankr. Docket No. 8225) and (ii) adopted the Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified (Bankr. Docket No. 8226) issued by the Bankruptcy Court on February 6, 2006.

**I. Designation Of Items For Record On Appeal.****A. Items Entered on the Bankruptcy Court's Docket**

The following items (including any and all exhibits and attachments) entered on the Bankruptcy Court's docket in Bankruptcy Case No. 02-10429 (JFK), which were designated and transmitted to the District Court as part of the record on appeal, are hereby designated as items to be included in the record on appeal to the Third Circuit Court of Appeals.

<b>Bankruptcy Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
7311	9/7/05	Disclosure Statement to the Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates
7312	9/7/05	Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates
7320	9/8/05	Order (A) Approving Proposed Disclosure Statement, (B) Establishing Procedures For Solicitation And Tabulation Of Votes To Accept Or Reject Proposed Joint Plan Of Reorganization And (C) Scheduling A Hearing On Confirmation Of Proposed Joint Plan Of Reorganization And Approving Related Notice Procedures
7460	9/30/05	Motion For Entry Of An Order Enforcing The Automatic Stay And Directing Certain Insurance Companies To Dismiss A Recently Filed Motion Seeking Adjudication Of Plan Confirmation Issues Insurance Coverage Litigation Pending In California State Court, Filed by Kaiser Aluminum Corporation
7504	10/14/05	Objection to Certain Insurers' Objection to Motion for Entry of an Order Enforcing the Automatic Stay and Directing Certain Insurance Companies to Dismiss their Recent Motion Seeking Adjudication of Plan Confirmation Issues in California State Court, Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company and Other Insurers
7659	11/7/05	Motion of Certain Debtors and Debtors in Possession for Entry of Stipulation and Agreed Order Regarding Plan Modifications and Potential Confirmation Objections By Certain Insurance Companies Filed by Kaiser Aluminum Corporation

<b>Bankruptcy Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
7718	11/14/05	Order Approving Stipulation and Agreed Order Regarding Plan Modifications and Potential Confirmation Objections by Certain Insurance Companies,
7834	12/2/05	Objection to Confirmation Regarding the Inadequate Contributions by the Debtors to the Asbestos PI Trust That Fail to Satisfy the Minimum Requirements of the Bankruptcy Code Section 524(g), Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company and Other Insurers
7836	12/2/05	Objection to Confirmation of Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, and Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, Filed by ACE Property & Casualty Company, Central National Insurance Company of Omaha, Century Indemnity Company, Industrial Indemnity Company, Industrial Underwriters Insurance Company, Pacific Employers Insurance Company
7839	12/2/05	Certain Insurers' Objection To The Alleged Statutory Preemption of Insurers' Rights And Debtors' Obligations Under Insurance Policies, Filed by AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company
7840	12/2/05	Joinder Of Republic Indemnity Company And Transport Insurance Company (f/k/a Transport Indemnity Company) Into Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies And Additional And Supplemental Arguments Related Thereto, Filed by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)
7843	12/2/05	CORRECTED Certain Insurers' Objection to the Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies, Filed by AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company
7847	12/5/05	Joinder in Certain Insurer's Plan Objections Filed by Hartford Accident & Indemnity Company, First State Insurance Company, New England Reinsurance Corporation and Nutmeg Insurance Company

<b>Bankruptcy Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
7851	12/5/05	Joinder In Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies, Filed by TIG Insurance Company ( as successor by merger to International Insurance Company)
7961	12/16/05	Pre-hearing Brief of the Official Committee Of Unsecured Creditors In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
7962	12/16/05	Joinder of the Future Silica and CTPV Claimants' Representative to Reorganizing Debtors' Response to Certain Insurers' Amended Objection to the Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies, Republic Indemnity Company and Transport Insurance Company's Additional and Supplemental Arguments Related Thereto, and Any Joinders Thereto, Filed by Future Silica Claimants' Representative
7966	12/17/05	Memorandum of Law of Reorganized Debtors and Official Committee of Asbestos Claimants in Response to Certain Insurers' Objections to Confirmation of the Second Amended Joint Plan of Reorganization as Modified, Filed by Kaiser Aluminum Corporation, Official Committee of Asbestos Claimants
7967	12/17/05	Memorandum of Law of Reorganizing Debtors (A) in Support of Confirmation of the Second Amended Joint Plan of Reorganization as Modified, (B) in Response to Pending Objections Thereto and (C) Requesting Authorization to Make Plan Modifications, Filed by Kaiser Aluminum Corporation
7968	12/17/05	Joinder to Joint Memorandum of Law of Reorganized Debtors and Official Committee of Asbestos Claimants in Response to Certain Insurers' Objections to Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified Re Docket No. 7966, Filed by Martin J. Murphy
8046	12/30/05	Joinder Into Certain Insurers' Amended Objection to the Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies, Filed by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)
8057	1/3/06	Reply Of Excess Insurers In Support Of Limited Objection, Filed by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)

<b>Bankruptcy Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
8058	1/3/06	Reply of Certain Insurers In Further Support Of Their Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies And In Response To The Joint Memorandum Of The Reorganizing Debtors And Official Committee Of Asbestos Claimants, Filed by AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company
8060	1/3/06	Reply Brief To Plan Proponents' Briefs In Support Of The Second Amended Joint Plan Of Reorganization, Re Docket Nos 7961, 7966, Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company and Other Insurers
8063	1/3/06	Declaration Of Anne M. Ferazzi, Representative
8065	1/3/06	Affidavit in Support of Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates as of September 7, 2005, as Amended Through January 3, 2006, Filed by Martin J. Murphy
8066	1/3/06	Declaration of Edward F. Houff in Support of Confirmation of Second Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code
8067	1/3/06	Declaration of Blake O'Dowd In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization
8135	1/13/06	Transcript of Hearing Held On January 9, 2006 Before The Honorable Judith K. Fitzgerald
8225	2/6/06	Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
8226	2/6/06	Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
8264	2/15/06	Notice of Appeal Filed by TIG Insurance Company (as successor by merger to International Insurance Company)
8272	2/15/06	Notice of Appeal Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company and Continental Insurance Company



<b>Bankruptcy Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
8273	2/15/06	Notice of Appeal of Certain Insurers to Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified. Filed by ACE Property & Casualty Company, Central National Insurance Company of Omaha, Century Indemnity Company, Industrial Indemnity Company, Industrial Underwriters Insurance Company, Pacific Employers Insurance Company
8276	2/15/06	Notice of Appeal By Transport Insurance Company (f/k/a Transport Indemnity Company) Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
8277	2/15/06	Notice of Appeal By Republic Indemnity Company Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
8278	2/15/06	Notice of Appeal By First State Insurance Company, Hartford Accident And Indemnity Company, New England Reinsurance Corporation And Nutmeg Insurance Company Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified.
8283	2/15/06	Notice of Appeal of AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA., and New Hampshire Insurance Company of Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, As Modified
8293	2/16/06	Motion to Allow for De Novo Review of Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified, Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company and Continental Insurance Company

<b>Bankruptcy Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
8295	2/16/06	Joinder of AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA., and New Hampshire Insurance Company in Request by Columbia Casualty Company, Transcontinental Insurance Company, Harbor Insurance Company, and Continental Insurance Company for De Novo Review of Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified
8296	2/16/06	Joinder Filed by TIG Insurance Company (as successor by merger to International Insurance Company)
8297	2/16/06	Joinder Of Certain Insurers In Request By Columbia Casualty Company, Transcontinental Insurance Company, Harbor Insurance Company, And Continental Insurance Company For De Novo Review Of Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified Filed By Ace Companies
8298	2/16/06	Request By First State Insurance Company, Hartford Accident And Indemnity Company, New England Reinsurance Corporation And Nutmeg Insurance Company For De Novo Review Of Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
8299	2/16/06	Request By Republic Indemnity Company And Transport Insurance Company (f/k/a Transport Indemnity Company) For De Novo Review Of Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified

**B. Items Entered on the District Court's Docket****1. Items Entered in Miscellaneous Case No. 06-41**

The following items (including any and all attachments) entered on the District Court's docket in Miscellaneous Case No. 06-41 are hereby designated as items to be included in the record on appeal to the Third Circuit Court of Appeals.

<b>District Court Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
1	3/8/06	Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified
2	3/8/06	Certification of Counsel Regarding Proposed (I) Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified and (II) Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates as Modified - filed by Kaiser Aluminum Corp.
3	3/8/06	Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code for the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates.
5	3/17/06	Joint Motion of Debtors and Debtors in Possession and Their Principal Creditor Constituencies for Consolidation of Appeals, for Waiver of Mediation Requirement and for an Expedited Hearing on Confirmation Findings and Confirmation Order
7	3/27/06	Joint Response of Certain Insurers to Joint Motion of Debtors and Debtors in Possession and Their Principal Creditor Constituencies for Consolidation of Appeals, for Waiver of Mediation Requirement and for an Expedited Hearing on Confirmation Findings and Confirmation Order
8	3/29/06	Memorandum Order
10	3/29/06	Joint Reply of Debtors and Debtors in Possession and Their Principal Creditor Constituencies to Joint Response of Certain Insurers to Joint Motion for Consolidation of Appeals, for Waiver of Mediation Requirement and for an Expedited Hearing on Confirmation Findings and Confirmation Order
11	4/3/06	Memorandum Order



<b>District Court Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
17	4/17/06	Opening Memorandum of Columbia Casualty Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company, and TIG Insurance Company, as Successor by Mergers with International Surplus Lines Insurance Company, Regarding Appeal and Request for <i>De Novo</i> Review of Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies
18	4/17/06	Opening Memorandum of Appellants, Century Indemnity Company (Successor to Cigna Specialty Insurance Company, formerly known as California Union Insurance Company, and Successor to CCI Insurance Company, Successor to Insurance Company of North America, and as Administrative Agent of Former Members of Afia, Including St. Paul Mercury Insurance Company); Ace Property & Casualty Company (f/k/a Cigna Property & Casualty Company, f/k/a Aetna Insurance Company); Industrial Indemnity Company; Industrial Underwriters Insurance Company; Pacific Employers Insurance Company; and Central National Insurance Company of Omaha, by and Through Cravens, Dargen and Company, Managing General Agent
19	4/17/06	Appendix to Opening Memorandum of Appellants, Century Indemnity Company (Successor to Cigna Specialty Insurance Company, Formerly Known as California Union Insurance Company, and Successor to CCI Insurance Company, Successor to Insurance Company of North America, and as Administrative Agent of Former Members of AFIA, Including St. Paul Mercury Insurance Company); Ace Property and Casualty Company (Formerly Known as Cigna Property & Casualty Company, Formerly Known as Aetna Insurance Company); Industrial Indemnity Company; Industrial Underwriters Insurance Company; Pacific Employers Insurance Company; and Central National Insurance Company of Omaha, by and Through Cravens, Dargen and Company, Managing General Agent
20	4/17/06	Memorandum of First State Insurance Company, Hartford Accident and Indemnity Company, New England Reinsurance Corporation and Nutmeg Insurance Company
22	4/17/06	Memorandum of Appellants, Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)

District Court Docket No.	Filing / Entry Date	Document Name
24	4/20/06	Memorandum of AIU Insurance Co., Granite State Insurance Co., Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, P.A., and New Hampshire Insurance Company.
32	5/01/06	Future Silica and CTPV Claimants' representative's Appellate Memorandum in Response to the Memoranda of the Appellant Insurers, and in Joinder to the Joint Answering Memorandum of Reorganizing Debtors and Their Principal Creditor Constituencies
33	5/01/06	Joint Answering Memorandum of Reorganizing Debtors and Their Principal Creditor Constituencies
45	5/08/06	Reply Memorandum of Appellants, Century Indemnity Company (Successor to Cigna Specialty Insurance Company, Formerly Known as California Union Insurance Company, and Successor to CCI Insurance Company, Successor to Insurance Company of North America, and as Administrative Agent of Former Members of AFIA, Including St. Paul Mercury Insurance Company); Ace Property & Casualty Company (Formerly Known as Cigna Property & Casualty Company, Formerly Known as Aetna Insurance Company); Industrial Indemnity Company; Industrial Underwriters Insurance Company; Pacific Employers Insurance Company; and Central National Insurance Company of Omaha, by and through Cravens, Dargen and Company, Managing General Agent
46	5/08/06	Reply Memorandum of Columbia Casualty Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company, and TIG Insurance Company, as Successor by Mergers with International Surplus Lines Insurance Company, Regarding Appeal and Request for <i>De Novo</i> review of Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies.
47	5/08/06	Reply of Appellants Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)
57	5/11/06	Memorandum Opinion
58	5/11/06	Order
63	5/11/06	Transcript of Hearing held on 5/11/06 before Judge Farnan, Jr.
67	6/08/06	Notice of Appeal to United States Court of Appeals for the Third Circuit by TIG Insurance Company
66	6/09/06	Notice of Appeal to the United States Court of Appeals for the Third Circuit by Columbia Casualty Insurance Company, Transcontinental Insurance Co., Harbor Insurance Co. and Continental Insurance Company

<b>District Court Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
68	6/09/06	Notice of Appeal to the United States Court of Appeals for the Third Circuit by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)
75	6/19/06	Designation of Items for Record on Appeal and Statement of Issues on Appeal by TIG Insurance Company

**2. Items Entered on Docket in Case No. 06-00173.**

The following items (including any and all exhibits and attachments) entered in Case No. 06-00173 are hereby designated as items to be included in the record on appeal to the Third Circuit Court of Appeals.

<b>District Court Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
1	3/15/06	Notice of Appeal by Republic Indemnity Company
2	3/15/06	Request by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company) for <i>De Novo</i> Review of Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified
3	3/15/06	Republic Indemnity Company's Designation of Items for Record on Appeal and Statement and Issues on Appeal

### 3. Items Entered on Docket in Case No. 06-00175.

The following items (including any and all exhibits and attachments) entered in Case No. 06-00175 are hereby designated as items to be included in the record on appeal to the Third Circuit Court of Appeals.

District Court Docket No.	Filing / Entry Date	Document Name
1	3/15/06	Notice of Appeal by Transport Insurance Company (f/k/a Transport Indemnity Company)
2	3/15/06	Request by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company) for <i>De Novo</i> Review of Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified
3	3/15/06	Transport Insurance Company's (f/k/a Transport Indemnity Company) Designation of Items for Record on Appeal and Statement and Issues on Appeal

## II. Statement Of Issues On Appeal.

These Appellants state the following issues on this appeal:

1. Whether, under the Bankruptcy Code as a matter of law, the assignment of insurance "rights" contained in Debtors' Chapter 11 plan of reorganization ("Plan") is valid and enforceable against insurers even though (a) insurers did not consent to the assignment and (b) the insurance contracts contain provisions, enforceable under applicable state law, which prohibit Debtors from assigning any insurance rights without the consent of insurers.

2. Whether sections 524(g) or 1123(a)(5) of the Bankruptcy Code, 11 U.S.C. §§ 524(g), 1123(a)(5), preempt the "no-assignment-without-insurer-consent" provisions of the insurance contracts.

3. Whether the Third Circuit, in footnote 27 of its *Combustion Engineering* opinion, held that section 1123(a)(5) of the Bankruptcy Code preempts the “no-assignment-without-insurer-consent” provisions of the insurance contracts. *See In re Combustion Engineering, Inc.*, 391 F.3d 190, 219 n.27 (3d Cir. 2004).

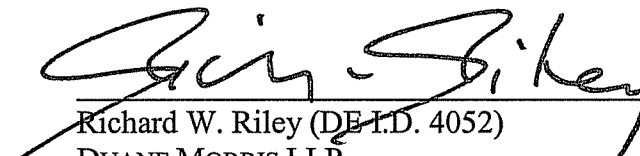
4. Whether future insurance “rights” described in Debtors’ Plan, that have not yet accrued and may never accrue, may presently be assigned to a third-party trust.

5. Whether the Bankruptcy Court has jurisdiction to approve the Plan’s assignment of future insurance “rights” that have not yet accrued and may never accrue.

6. Whether the Bankruptcy Court erred in approving the Plan’s assignment of insurance “rights” to a third-party trust.

7. Whether the District Court erred in affirming or adopting the Bankruptcy Court's decisions on these issues.

Dated: June 23, 2006  
Wilmington, Delaware

  
Richard W. Riley (DE I.D. 4052)  
DUANE MORRIS LLP  
1100 North Market Street, Suite 1200  
Wilmington, DE 19801  
Telephone: (302) 657-4900  
Facsimile: (302) 657-4901

-and-

Mitchell L. Lathrop, Esquire  
Bridget K. Moorhead, Esquire  
DUANE MORRIS LLP  
101 West Broadway Street, 9<sup>th</sup> Floor  
San Diego, CA 92101  
Telephone: (617) 499-2200  
Facsimile: (619) 744-2201



-and-

Russell W. Roten, Esquire  
Peter B. Ackerman, Esquire  
Jeff D. Kahane, Esquire  
DUANE MORRIS LLP  
333 South Hope Street  
Los Angeles, CA 90071  
Telephone: (213) 229-2939  
Facsimile: (213) 229.2999

*Counsel for Republic Indemnity Company and  
Transport Insurance Company (f/k/a Transport  
Indemnity Company)*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

KAISER ALUMINUM CORPORATION, a  
Delaware corporation, et al.

Jointly Administered Under  
Bankruptcy Case No. 02-10429 (JKF)  
Chapter 11

KAISER ALUMINUM CORPORATION, et al.

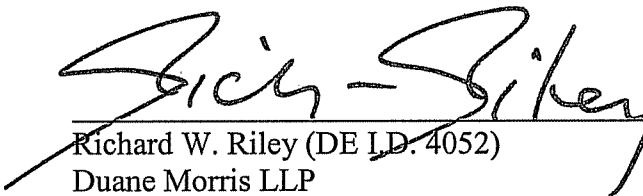
Case No. 06-mc-41 (JJF)

CERTIFICATE OF SERVICE

I, Richard W. Riley, certify that I am not less than 18 years of age, and that service of a copy of the **Republic Indemnity Company and Transport Insurance Company's (f/k/a Transport Indemnity Company) Designation Of Items For Record On Appeal And Statement Of Issues On Appeal** was made on June 23, 2006 upon the individuals on the attached service list *via* regular mail.

Under penalty of perjury, I declare the foregoing is true and correct.

Dated: June 23, 2006  
Wilmington, Delaware

  
Richard W. Riley (DE I.D. 4052)  
Duane Morris LLP  
1100 North Market Street, Suite 1200  
Wilmington, Delaware 19801-1246  
Telephone: (302) 657-4900  
Facsimile: (302) 657-4901  
E-mail: rwriley@duanemorris.com

SERVICE LIST

Carmella P. Keener, Esquire  
ROSENTHAL MONHAIT & GODDESS P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Mitchell L. Lathrop, Esquire  
Bridget K. Moorhead, Esquire  
DUANE MORRIS LLP  
101 West Broadway Street, 9<sup>th</sup> Floor  
San Diego, CA 92101

Russell W. Roten, Esquire  
Jeff D. Kahane, Esquire  
DUANE MORRIS LLP  
333 South Hope Street  
Los Angeles, CA 90071

William P. Bowden, Esquire  
ASHBY & GEDDES  
222 Delaware Avenue  
P.O. Box 1150  
Wilmington, DE 19899

Lisa Beckerman, Esquire  
Brian A. Kilmer, Esquire  
AKIN, GUMP, STRAUSS, HAUER & FELD, LLP  
590 Madison Avenue  
New York, NY 10022

Peter Van N. Lockwood, Esquire  
CAPLIN & DRYSDALE, CHARTERED  
One Thomas Circle, N.W.  
Washington, DC 20005

Edward F. Houff, Esquire  
c/o Lynn Stewart & Tammy Nero  
KAISER ALUMINUM CORPORATION  
5847 San Felipe, Suite 2400  
Houston, TX 77057

Daniel J. DeFranceschi, Esquire  
Kimberly D. Newmarch, Esquire  
RICHARD, LAYTON & FINGER, PA  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

Gregory M. Gordon, Esquire  
Daniel P. Winikka, Esquire  
Daniel B. Prieto, Esquire  
JONES DAY  
2727 North Harwood Street  
Dallas, TX 75201

Marla R. Eskin, Esquire  
Mark T. Hurford, Esquire  
CAMPBELL & LEVINE, LLC  
800 King Street, Suite 300  
Wilmington, DE 19801

Elihu Inselbuch, Esquire  
CAPLIN & DRYSDALE, CHARTERED  
399 Park Avenue  
New York, NY 10022

James L. Patton, Jr., Esquire  
Edwin J. Harron, Esquire  
Sharon M. Zieg, Esquire  
YOUNG, CONAWAY, STARGATT & TAYLOR  
The Brandywine Bldg., 17<sup>th</sup> Floor  
1000 West Street  
P.O. Box 391  
Wilmington, DE 19899

Daniel K. Hogan, Esquire  
THE HOGAN FIRM  
1311 Delaware Avenue  
Wilmington, DE 19806

Steven A. Buxbaum, Esquire  
HAYNES AND BOONE, LLP  
One Houston Center  
1221 McKinney, Suite 2100  
Houston, TX 77010

Rodney L. Eshelman, Esquire  
Alison V. Lippa, Esquire  
Raymond J. Tittman, Esquire  
CARROLL, BURDICK & McDONOUGH LLP  
44 Montgomery Street  
San Francisco, CA 94101

Thomas G. Whalen, Jr., Esquire  
STEVENS & LEE, P.C.  
1105 North Market Street, 7<sup>th</sup> Floor  
Wilmington, DE 19801

Seth W. Wiener, Esquire  
LEBOEUF, LAMB, GREENE & MACRAE LLP  
One Embarcadero Center, Suite 400  
San Francisco, CA 94111

David M. Ross, Esquire  
LEBOEUF, LAMB, GREENE & MACRAE LLP  
1875 Connecticut Avenue, N.W., Suite 1200  
Washington, DC 20009

Anthony Callaghan, Esquire  
Evans Wohlforth, Esquire  
David N. Crapo, Esquire  
GIBBONS, DEL DEO, DOLAN, GRIFFINGER &  
VECCHIONE  
One River Front Plaza  
Newark, NJ 07102

Steven A. Felsenthal, Esquire  
Peter C. D'Apice, Esquire  
STUTZMAN, BROMBERG, ESSERMAN & PLIFKA  
2323 Bryan Street, Suite 2200  
Dallas, TX 75201-2689

Kevin Gross, Esquire  
ROSENTHAL, MONHAIT, GROSS  
& GODDESS, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Lewis S. Rosenbloom, Esquire  
David C. Christian, Esquire  
Jason J. DeJonker, Esquire  
McDERMOTT, WILL & EMERY  
227 West Monroe Street  
Chicago, IL 60606

Leonard P. Goldberger, Esquire  
STEVENS & LEE, P.C.  
1818 Market Street, 29<sup>th</sup> Floor  
Philadelphia, PA 19103

Jared M. Katz, Esquire  
LEBOEUF, LAMB, GREENE & MACRAE LLP  
725 South Figueroa Street, Suite 3100  
Los Angeles, CA 90017

David M. Klauder, Esquire  
Trial Attorney  
OFFICE OF THE UNITED STATES TRUSTEE  
J. Caleb Boggs Federal Building  
844 King Street, Suite 2207, Lockbox 35  
Wilmington, DE 19801

Elizabeth J. Futrell, Esquire  
Aimee M. Quirk, Esquire  
JONES, WALKER, WAECHTER, POITEVENT,  
CARRERE & DENEGRÉ, L.L.P.  
201 St. Charles Ave.  
New Orleans, LA 70170

Michael B. Joseph, Esquire  
Theodore J. Tacconelli, Esquire  
FERRY, JOSEPH & PEARCE, P.A.  
824 Market St., Suite 904  
Wilmington, DE 19899

Karen C. Bifferato, Esquire  
Marc J. Phillips, Esquire  
CONNOLLY BOVE LODGE & HUTZ, LLP  
The Nemours Building  
1007 North Orange Street  
Wilmington, DE 19801

Carl N. Kunz, III, Esquire  
MORRIS, JAMES HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, DE 19801

Harold L. Kaplan, Esquire  
Mark F. Hebbeln, Esquire  
GARDNER CARTON & DOUGLAS LLP  
191 North Wacker Drive – Suite 3700  
Chicago, IL 60606-1698

Joanne B. Wills, Esquire  
Jennifer L. Scoliard, Esquire  
KLEHR, HARRISON, HARVEY,  
BRANZBURG & ELLERS LLP  
919 Market Street, Suite 1000  
Wilmington, DE 19801

Laurie Schenker Polleck, Esquire  
JASPAN SCHLESINGER HOFFMAN LLP  
913 Market Street, 12<sup>th</sup> Floor  
Wilmington, DE 19801

Jason Michael Madron, Esquire  
RICHARDS LAYTON & FINGER  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

Clark T. Whitmore, Esquire  
Alain M. Baudry, Esquire  
Christina A. Smith, Esquire  
MASLON, EDELMAN, BORMAN & BRAND, LLP  
3300 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-4140

George A. Davis, Esquire  
Diane Harvey, Esquire  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, NY 10153

Christine P. Hsu, Esquire  
WEIL, GOTSHAL & MANGES LLP  
1501 K Street NW - Suite 100  
Washington, DC 20005

Kristin K. Going, Esquire  
GARDNER CARTON & DOUGLAS LLP  
1301 K Street, N.W.  
Suite 900, East Tower  
Washington, DC 20005

Duane D. Morse, Esquire  
James R. Wrathall, Esquire  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2445 M. Street N.W.  
Washington, DC 20037

Michael S. Davis, Esquire  
Jantra Van Roy, Esquire  
ZEICHNER ELLMAN & KRAUSE LLP  
575 Lexington Avenue  
New York, NY 10022

Frederick D. Holden, Esquire  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105



Paul J. Dougherty, III, Esquire  
GEBHARDT & SMITH LLP  
901 Market Street, Suite 451  
Wilmington, DE 19801

Carmella P. Keener, Esquire  
ROSENTHAL MONHAIT & GODDESS P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Harry Lee, Esquire  
John F. O'Connor, Esquire  
George R. Calhoun, V, Esquire  
STEPTOE & JOHNSON, LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036

Brian A. Kilmer, Esquire  
AKIN GUMP STRAUSS HAUSER & FELD LLP  
1700 Pacific Avenue, Suite 4100  
Dallas, TX 75201